

Application No. 10/044,896
Amendment dated October 24, 2005
Reply to Office Action of September 7, 2005

REMARKS

Applicants request entry of this Amendment and reconsideration of the rejection of the claims.

Applicants have amended claims 21-23, 57-59 and 62-63. Claim 22 was amended to correct typographical errors. Claims 21 and 23 were amended to clarify the claims. Applicants submit the amendments are supported throughout the specification, including at page 7, para [0018]; page 8, [para 0020]; page 53, [para 0157]; and p.57-58, [para 0170 to 0172].

35 USC 112, 1st paragraph

The Examiner rejected claims 57-63 under 35 USC 112, first paragraph. The Examiner contends that the phrase "cell line" in claims 57-63 is new matter. As an initial matter, Applicants note that claims 60 and 61 do not have the phrase "cell line". Thus, Applicants respectfully request withdrawal of the rejection of these claims. Applicants respectfully traverse with respect to claims 57-59 and 62-63.

While not acquiescing in the rejection and solely to expedite prosecution, Applicants claims now refer to "host cell" rather than "cell line". The Examiner indicated that the specification has written description for host cell. Applicants submit that one of skill in the art would understand "host cell" to include "cell line". For example, Applicants demonstrate production of an anti interferon α antibody by a hybridoma cell line at page 74, paragraph [0222]. In another example, Applicants have demonstrated production of an antibody fragment in the 293 cell line; see page 81, paragraph [0234]. Furthermore, Applicants have described that vertebrate host cells include, without limitation, cells and cell lines such as BHK cells, monkey kidney cell lines, 293 cells, CHO cells, mouse sertoli cells, monkey kidney cells, african green monkey kidney cells, human cervical carcinoma cells, canine kidney cells, buffalo rat liver cells, human lung cells, human liver cells, mouse mammary tumor cells, TR1 cells, MRC 5 cells, FS4 cells, and a human hepatoma cell line. See para 0172, p.58. It is known to one of skill in the art that antibodies or fragments thereof can be produced in a variety of cell lines including CHO cells.

Additional support for host cell can be found throughout the specification including at page 7, para [0018]; page 53, [para 0157]; and p.57-58, [para 0170 to 0172]. For example, host

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cells are described as including prokaryotic cells such as *E. Coli*, *B. subtilis*, *S. Typhimurium*, *S. marsecans*, and *Pseudomonas* species. See para 0170, p.57-58. Applicants have demonstrated production of an anti interferon α antibody fragment in E Coli. See page 80, paragraph [0232] Host cells also include eukaryotic cells such as yeast, plant cells, and vertebrate host cells. See para 0171, p.58.

Based on the foregoing, Applicants respectfully request the withdrawal of the rejection of the claims.

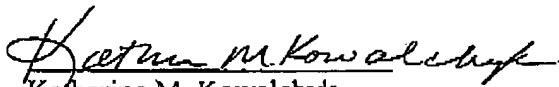
SUMMARY

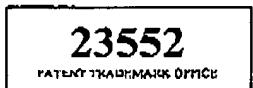
In view of the foregoing, Applicants believe that the claims are in condition for allowance and such action is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: Oct. 24, 2005

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